

# COMMON COUNCIL MEETING MINUTES

MONDAY, FEBRUARY 19, 2007 – 6:00 P.M.

COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Mayor James Brainard, Council President Joseph C. Griffiths, Council Members, Richard L. Sharp, Kevin Kirby, Brian D. Mayo, Ronald E. Carter, Mark Rattermann, Fredrick J. Glaser, Clerk-Treasurer Diana L. Cordray and Deputy Clerk Treasurer Lois Fine

Council President Griffiths called the meeting to order at 6:02 p.m.

Rabbi Beinstalk, Congregation Shaarey Tafilla, pronounced the Invocation.

Council President Griffiths led the Pledge of Allegiance.

## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

Council President Griffiths announced that the Government Finance Officers Association of the United States and Canada has presented Clerk-Treasurer Diana L. Cordray and her staff with the Certificate of Achievement for Excellence in Financial Reporting Award. This award is the highest form of recognition in governmental accounting and financial reporting. The certificate program advocates that recipients be formally recognized for this outstanding accomplishment.

## **APPROVAL OF MINUTES:**

Councilor Sharp made a motion to approve the Minutes of the February 5, 2007 Regular Meeting. Councilor Glaser seconded. There was no Council discussion. Council President Griffiths called for the question. The Minutes were approved 6-0 (Councilor Mayo abstained).

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

Marnin Spigelman

11816 Harvard Blvd., Carmel, IN

## **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

Councilor Sharp congratulated the Indianapolis Colts organization on their championship season and their recent Super Bowl victory.

Councilor Carter thanked Street Commissioner David Klingensmith, street department employees, Mayor Brainard and John Duffy and the utility department employees for the great job they did during the recent snow storm.

Council President Griffiths referred to John Duffy, Director of Utilities for an update on the recent water main break on Carmel Drive.

Clerk-Treasurer Diana L. Cordray stated that the payroll due February 19, 2007 was not affected by the storm, and all employees received their checks as normal. Diana also thanked the employees of her office.

### **ACTION ON MAYORAL VETOES:**

There were none.

### **CLAIMS:**

Councilor Mayo made a motion to approve the claims in the amount of \$1,354,302.85. Councilor Sharp seconded. There was no Council discussion. Council President Griffiths called for the question. Claims were approved 7-0.

### **COMMITTEE REPORTS:**

Councilor Kirby reported that the Finance, Administration and Rules Committee met and discussed Ordinance A-94-07 which was sent to the full Council with a 2-0 favorable recommendation.

Councilor Sharp reported that the Land Use, Annexation and Economic Development Committee met and discussed D-1843-07. Recommendations were made to make changes to the ordinance. This item was sent to the full Council with a 3-0 favorable recommendation. They also discussed Ordinance Z-500-06 which was sent to the full Council with a 3-0 favorable recommendation.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.

Councilor Mayo reported that the Utilities, Transportation and Public Safety Committee met and discussed Ordinance D-1842-07 which was sent to the full Council with a 2-0 favorable recommendation.

### **OLD BUSINESS**

Council President Griffiths announced the **Third Reading of Ordinance D-1842-07**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 5, Section 8-47(a), of the Carmel City Code by Adding an Additional Sub-Paragraph Thereto (No Parking Areas). Councilor Carter addressed the Council. There was no Council discussion. Councilor Mayo made a motion to approve Ordinance D-1842-07. Councilor Kirby seconded. There was no Council discussion. Council President Griffiths called for the question. **Ordinance D-1842-07** was adopted 7-0.

Council President Griffiths announced the **Third Reading of Ordinance D-1843-07**; An Ordinance of the Common Council of the City of Carmel, Indiana, Regulating Massage Establishments and Massage Technicians. Councilor Sharp made a motion to move into business amended VERSION A 02/19/07. Councilor Mayo seconded. There was no Council discussion. Council President Griffiths called for the question. The motion was approved 7-0. Councilor Mayo made a motion to approve Ordinance

D-1843-07, As Amended, VERSION A 02/19/07. Councilor Kirby seconded. Councilor Sharp made a motion to amend VERSION A, line 14, to read as follows: *Bodywork and Massage Professionals, American Medical Massage Association* . . . Councilor Kirby seconded. There was no Council discussion. Council President Griffiths called for the question. The motion was approved 7-0. Councilor

Sharp made a motion to approve Ordinance D-1843-07, As Amended, VERSION A 02/19/07. Councilor Mayo seconded. There was no Council discussion. Council President Griffiths called for the question. **Ordinance D-1843-07, As Amended**, VERSION A 02/19/07 was adopted 7-0.

Council President Griffiths announced the **Sixth Reading of Ordinance Z-500-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Park Place (Retirement Community) Planned Unit Development District (Guilford Road and 116<sup>th</sup> Street). Councilor Sharp addressed the Council and referred to Jim Shinaver, Attorney, Nelson & Frankenberger, to address Council regarding the new proposed commitments and exhibits submitted by the petitioner for this ordinance. There was extensive Council discussion. Councilor Sharp made a motion to approve Ordinance Z-500-06 pending commitments being recorded by the petitioner. Councilor Mayo seconded. There was no Council discussion. Council President Griffiths called for the question. **Ordinance Z-500-06** was adopted 6-1 (Councilor Rattermann opposed).

Council President Griffiths announced the **Second Reading of Ordinance A-94-07**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Certain Sections in Chapter 9, Article 2, Division IV, of the Carmel City Code (Non-Recurring Water Rates and Charges). Councilor Kirby addressed the Council. There was brief Council discussion. Councilor Rattermann referred to John Duffy, Director of Utilities, for clarification. Councilor Mayo made a motion to approve Ordinance A-94-07. Councilor Kirby seconded. There was no Council discussion. Council President Griffiths called for the question. **Ordinance A-94-07** was adopted 7-0.

## **PUBLIC HEARINGS**

There were none.

## **NEW BUSINESS**

There was none.

## **OTHER BUSINESS**

Council President Griffiths acknowledged that he had submitted a Conflict of Interest Disclosure Statement for Council review.

Notice of Cancellation of Outstanding Warrants for fiscal year 2004 – Clerk-Treasurer. Clerk-Treasurer Diana L. Cordray addressed the Council. Council President Griffiths informed Council that the Clerk-Treasurer is only required to notify Council of this information at a public meeting.

Council President Griffiths informed Council that he was notified today that the Council appointment to the Carmel Fire Department Merit Board had expired. Councilor Kirby moved to reappoint Don Stauder. Councilor Glaser seconded.

## **ANNOUNCEMENTS**

There were none.

## **EXECUTION OF DOCUMENTS**

Council President Griffiths adjourned the meeting at 7:03 p.m.

## **ADJOURNMENT**

Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

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Mayor James Brainard

ATTEST:

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Clerk-Treasurer Diana L. Cordray, IAMC